**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**

**AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE 9th DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT
**THE HON'BLE MR. JUSTICE S.ANANDA REDDY**

**WRIT PETITION No. 20926 of 2007**

Between:

M/s. Jai Shree Transport Co.
Office at #202, CTC, Park Lane, Secunderabad
Rep. by its Partner Sri Ashok Ratan Goyal.
..... PETITIONERS

AND

The Government of Andhra Pradesh
Rep. by Principal Secretary Transport Department
Secretariat, Hyderabad & another
**.....RESPONDENTS**

**THE HON'BLE MR. JUSTICE S.ANANDA REDDY**

**WRIT PETITION No. 20926 of 2007**

**ORDER:**

This writ petition is filed by the Petitioner seeking release of the vehicle bearing Registration No.HR38-N 7700 (prime

mover), along with two Trailers, bearing Registration No. HR38-N 6500 and 8100 seized under vehicle check report dated 12.09.2007 for the alleged violations, which are specified therein.

2. It is stated that pursuant to the seizure of the vehicle, a case vide STC No.30 of 2007 was registered before the Judicial First Class Magistrate, Ramannapet, which was disposed of imposing fine with reference to various offences, as the Petitioner was pleaded guilty with reference to the alleged offences. It is stated that thereafter a crime was registered vide Cr.No.54 of 2007 for the offence punishable under Indian Penal Code by the Station House Officer, Valigonda, within the jurisdiction of the same Magistrate. Though the vehicle was not handed over to the said Magistrate Court, which was seized by the 2nd Respondent and handed over to the 3rd Respondent, but, however, an application was moved by the Petitioner for release of the vehicle, where an order was passed for release of the vehicle, on executing a bond for Rs.25,000/- with one surety for the like sum as well as on depositing the Registration Certificate (RC) of the vehicle including a photocopy of the vehicle, and further putting a restriction for compliance of the conditions imposes by the Motor Vehicles Inspector as well as the R & B authorities. It is stated that the Petitioner's vehicle was carrying on the boiler, which was to be transported to Kota in Rajasthan from Trichy, being transported on behalf of the BHEL, which is a public sector undertaking.

3. It is stated that for a time bound programme, this boiler is

being transported. But, however, the Respondents withheld the vehicle preventing its transportation. It is stated that it is of national importance and if the vehicle is not released, huge loss would be caused.

4. At the time of hearing, it is represented that the Ministry of Shipping Road Transport and Highways under Notification dated 03.05.2007 permitted the Petitioner's vehicle to transport up to 1,08,000 Kgs., (108 tonnes) and 72,000 Kgs., (72 tonnes) of weight. It is stated that as per the said permission granted by the Central Government, the Petitioner is entitled to transport up to 180 tonnes of gross weight, while it was carrying only 117 tonnes and other items, totaling to 141 tonnes, which is within the permissible limit. Even as per the vehicle check report, dated 19.07.2007 issued by the transport authorities at Nellore, the total weight of the vehicle including the trailer is 166 tonnes, which is less than the permissible limit of 180 tonnes. It is contended by the learned counsel for the petitioner that though the Petitioner has complied with all the formalities and even paid the compounding fee or fine, as determined by the Judicial First Class Magistrate concerned, but taking advantage of the order passed on the application made by confusion, though the vehicle was not in the custody of the Court, the Respondents declined to release the vehicle. Hence, sought for release of the vehicle and the trailers.

5. Heard the learned counsel for the parties, and considered the material on record.

6. In view of the above said circumstances, the Respondents are directed to release the vehicle on furnishing an undertaking that the Petitioner shall attend the enquiry as

and when called for and shall not alienate or transfer the vehicle, pending disposal of the enquiry by the 3rd respondent. Since the vehicle is registered in other State, the Managing Director or the partner of the Petitioner firm shall execute a bond for an amount of Rs.1,00,000/-. On execution of such bond, the Respondents are directed to release the vehicle in favour of the Petitioner firm, which shall be subject to the outcome of the order that would be passed by the transport authorities.

7. The writ petition is accordingly disposed of. No costs.

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**S.ANANDA REDDY.J**

Dated: 09..10..2007

Note:
(1) Issue operative portion by wire
at party's costs.
(2) Issue copy within three
days. (bo)
kvh

**THE HON'BLE MR. JUSTICE S.ANANDA REDDY**

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**WRIT PETITION No. 20926 of 2007**

**O R D E R**

**Dt. 09...10...2007**